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April 30, 1993

Ms. Donna R. Searcy
Secretary - Stop Code 1170
Federal Communications Commission
1919 M Street, Room 222
Washington, DC 20554

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APR 30 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: MM Docket 93-115

Dear Ms. Searcy:

Transmitted herewith on behalf of Concord-Carlisle Regional School District, licensee of WIQH(FM), Concord, Massachusetts and Technology Broadcasting Corporation, licensee of WMBR(FM), Cambridge, Massachusetts, are an original and six copies of a "JOINT MOTION FOR SUSPENSION OF PROCEDURAL DATES."

Should any questions arise concerning this matter, kindly communicate directly with the undersigned.

Very truly yours,

Kathleen Victory
Kathleen Victory

KV/rhw
Enclosures

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BEFORE THE

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Federal Communications Commission

APR 30 1993

WASHINGTON, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications of

CONCORD-CARLISLE REGIONAL
SCHOOL DISTRICT (WIQH)
Concord, MassachusettsTECHNOLOGY BROADCASTING
CORPORATION (WMBR)
Cambridge, Massachusetts

For Construction Permits

MM DOCKET NO. 93-115

File No. BPED-860424MC

File No. BPED-920326IA

To: The Honorable Joseph Chachkin
Administrative Law Judge**JOINT MOTION FOR SUSPENSION OF PROCEDURAL DATES**

Concord-Carlisle Regional School District ("Concord"), licensee of noncommercial educational station WIQH(FM), Concord, Massachusetts, and Technology Broadcasting Corporation ("Technology"), licensee of noncommercial educational station WMBR(FM), Cambridge, Massachusetts, applicants in the above-captioned proceeding (jointly referred to herein as the "Applicants"), hereby request the Presiding Judge to suspend, for a period of 30 days, all procedural dates in this proceeding.¹ In support thereof, the following is respectfully stated:

1. On April 21, 1993, the Commission released an Order

¹ The Mass Media Bureau (the "Bureau") has consented to this request.

designating for comparative hearing the above-captioned mutually exclusive applications. Hearing Designation Order, DA 93-428. In a subsequent Order, FCC 93M-184, released April 26, 1993, Administrative Law Judge Joseph Chachkin was assigned to the case. The order also established a prehearing conference date of June 21, 1993 and set the hearing date in this proceeding for September 7, 1993.

2. The Applicants are noncommercial educational stations, operating on first adjacent channels. Each applicant is seeking to upgrade its facilities. Concord seeks to upgrade its Class D facility to a Class A facility. Technology seeks to increase its effective radiated power (ERP) and increase its antenna height above average terrain (HAAT). Unfortunately, the proposed facilities would result in modest overlap of contours in technical violation of Section 73.509 of the Commission's rules. Accordingly, the applications are mutually exclusive.

3. Both Applicants are willing to accept each other's proposal. The amount of overlap is small and grant of both applications would have no preclusionary affect nor result in the actual loss of service to existing listeners. The Applicants are currently jointly working with the Bureau to determine whether the Bureau would be willing to consider and grant a waiver of Section 73.509 to Concord. If the waiver is granted, the mutual exclusivity would be eliminated and both Applicants would be in a position to upgrade their facilities to provide expanded noncommercial educational service to the public without a burdensome and expensive hearing. Pursuant to these discussions,

the Applicants plan informally to submit to the FM Branch, on April 30, 1993, a request for waiver of Section 73.509. Should the Bureau agree to the waiver, an amendment would immediately be filed.

4. A suspension of the procedural dates in this proceeding, including the dates for the filing of motions to enlarge or modify the issues and the initiation of discovery, to the extent applicable, would allow the parties to pursue elimination of the mutual exclusivity which, in turn, would enable both noncommercial entities to provide expanded service to the public. In addition, the requested suspension would save the scarce time and resources of the Commission and these noncommercial Applicants the need for preparation for and prosecution of a hearing. Since both Applicants are operating facilities, the 30-day suspension would not result in a delay in the commencement of service to the public. Furthermore, in light of the fact that the hearing in this proceeding in any event is not scheduled to commence for more than five months, it appears that no adverse impact would result from the requested 30-day suspension of procedural dates. The Applicants undertake timely to keep the Presiding Judge advised of developments during this period.

WHEREFORE, in light of the foregoing, Concord-Carlisle Regional School District and Technology Broadcasting Corporation respectfully request the Presiding Judge to suspend all of the procedural dates in this proceeding for 30 days from the date of the Presiding Judge's order of suspension.

Respectfully submitted,
CONCORD-CARLISLE REGIONAL
SCHOOL DISTRICT

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By Lawrence M. Miller
Lawrence M. Miller

April 30, 1993

CERTIFICATE OF SERVICE

I, Roberta Wadsworth, a secretary in the law offices of Fletcher, Heald & Hildreth, hereby certify that I have on this 30th day of April, 1993, had copies of the foregoing "JOINT MOTION FOR SUSPENSION OF PROCEDURAL DATES" mailed by U.S. Mail first class, postage prepaid, to the following:

*Honorable Joseph Chachkin
Administrative Law Judge
Federal Communications Commission
2000 L Street, NW, Room 226
Washington DC, 20554

*Paulette Laden, Esquire
Hearing Branch, Room 7212
Enforcement Division, Mass Media Bureau
Federal Communications Commission
2025 M. Street, NW
Washington, DC 20554


Roberta Wadsworth

* denotes hand delivery